IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

JAMES DEDUAN ANTHONY	§	
(TDCJ No. 2223552),	§	
	§	
Petitioner,	§	
	§	
V.	§	No. 3:19-cv-2725-S-BN
	§	
LORIE DAVIS, Director	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

ORDER WITHDRAWING FINDINGS, CONCLUSIONS, AND RECOMMENDATION AND GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner James Deduan Anthony, a Texas prisoner, filed a *pro se* application for writ of habeas corpus under 28 U.S.C. § 2254. *See* Dkt. No. 3. His habeas action was referred to the undersigned United States magistrate judge for pretrial management under 28 U.S.C. § 636(b) and a standing order of reference from the presiding United States district judge.

Because Anthony failed to either pay the \$5.00 filing fee or move for leave to proceed *in forma pauperis* ("IFP") and then failed to comply with the Court's order to do so by a date certain, *see* Dkt. No. 4, on February 20, 2020, the undersigned recommended that this action be dismissed without prejudice under Federal Rules of Civil Procedure 41(b) [Dkt. No. 6] (the "FCR"). Anthony has now filed an IFP motion. *See* Dkt. No. 7.

Under the provisions of 28 U.S.C. § 1915, the Court GRANTS Anthony leave to

proceed IFP in this Court until judgment is entered herein and WITHDRAWS the FCR.

SO ORDERED.

DATED: March 2, 2020

DAVID L. HORAN

UNITED STATES MAGISTRATE JUDGE